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ABSTRACT

Of what was spoken in

PARLIAMENT

BY

E. C.

Earl. of Crawford



R. C. E.

Printed in the Year 1705

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V. B. S. T. R. A. C. T.

of the Year 1703

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WE have now mispent two full Days in debating, whether we should pass an Act for treating with *England*, Yea or No? I have not heard any speak against treating; but I have heard some things propos'd, which to me seems equivalent to it.

For the Nature of *TREATY* imports a design of mutual and reciprocal Agreement and Consent: Therefore, to require or presuppose that this Consent or Agreement should be prescribed by the one Party to the other before the *TREATY*, is to turn *Treating* into a Command.

If that which we desire or prescrib'd depend upon our Will or Power, why should we make it a Condition of *Treating*, and not rather make it a Law or a Canon by our own intrinsic Power? but if the Nature of what is desired, doth require an Act of their Will, as well as of ours, then it is a Thing to be Treated for, and must be Consequent and not Antecedent to

THE TREATY. The Preliminaries of TREATIES do ordinarily relate to what is necessary for giving Being to a TREATY; such as a Signification in both Parties to TREAT; such Powers and Commissions as capacitate them to TREAT; an Agreement for time and place for Meeting, and safe Conducts when they are necessary, &c. And these things are manag'd sometimes by Envoys and Ambassadors reciprocally betwixt the principal Parties, sometimes the Mediators of TREATIES. These Preliminaries must be antecedent to the Congress, and after the Congress there are ordinary Preliminaries, which relate to the Order, to the Methods in proceeding, and to the ceremonial of the respective Parties; and these must be consequent to the Congress, and take place before the entry in the principal Affairs.

But to burden the Commission with a Prohibition to enter into TREATY, until some material Points be granted, and Conceded by the other Parties, which are, or may be the very subject of the TREATY, or a part of it, is not only an unheard of Practice, but is inconsistent with a TREATY, and exclusive of it.

The *English* have made a Law which appears indeed of a very extraordinary nature in it self, and highly disobliging, with relation to us.

We are a Kingdom, as Ancient, and as Free as they are; we are as Independent of them, as they are of us; and the Tyrannical Pretensions and Usurpations acclam'd by some of their Ancient Kings; as they were requir'd in Insolence, so they were rejected by us with Scorn, and alwise in the end, were Disclaim'd and Abjur'd by themselves: And what their late scriblers have advanc'd contrary to this, are so oft and so solidly



They heve made Laws, and joined it in one Act with their Act for a Treaty, but not a Condition of their TREATY; and it is a Form that I think; (is not to be set up as a Pattern) but their Act for a TREATY is absolute, and suitable to the procedure for a TREATY amongst all Nations: They have shown their Inclination to treat: They have pass'd an Act of Parliament for authorising it: They have desired their Sovereign to name the Persons, judging her the most impartial Electrix, they have left to her the time and place; (which is ordinarily Pointed out by the Mediators) and more fitly left to her Majesty; they have made it a limited Commission as to all Conclusions, and mention'd the ordinary securing Forms for reducing it into Write: And if we do the like, we meet them on an equal, fit, and just Terms.

And if we do not, I think we may be blam'd in the Judgement of all *Europe*, who are our Friends; and more in the Judgement of our Posterity, who may be severe upon us if we ruin them.

MY LORD,

I do confidently think that the true or stable Interest of *Britain* lyes in the Unity of *Britain*; and that the Unity will be furrest by a total and full Union: And (as I think) that will be the only assured Guarantie, whereby the terms agreed upon can be ensured.

But, my Lord, my privilege is to propose, my duty is to submit to the *Queen* and *Parliament*; If they conclude in an Alliance in a Foederal Union: Or (as I wish) in a full Union, I must be determin'd; but I am confident any Unity is better than no Unity: And I beg allowance to say, that any who opposes a fixt Unity betwixt *Scotland* and *England*, is in so far an enemy to himself; even thoug he were a *Scots* Governor or Favorit: That any *Scotsman* who opposes it, is an Enemy to *Scotland*; and I think the like of an *Englishman* as to *England*.
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And most certainly the Opposers at long run will be found Enemies to Britain.

My Lord, I should be glad to remove a mistake on those who are for a TREATY: We are far from approving or acquiescing in the hardships put upon us by *England*, either in the Acts declaring us Aliens, prohibiting our Trade, discharging us from their Plantations, by their Act of Navigation, and several other Incroachments: Some of which seem contrair to friendship, whilst we partake with them and for them, in all their Hardships, Dangers and Wars, without any share in the Benefits of their Peace or Success. Some of them seem contrair to good Neighbourhood; some of them inconsistent with the Laws of Nations; and all of them with the communication of Interest which should be betwixt the Subjects of one and the same Sovereign.

We are not in love with these, but we desire to have them remov'd; and that must be by fair means or by force: That the first way is the best, and I am sure the most Christian, since as such it is our rule, in as much as we can, to be at peace with all Men; and I do think that we have more Communication, and are more involv'd necessarily with *England*, and have more Benefit by trading with them, than with all the World besides; and therefore we should without scruple treat with them, since they have shewed an inclination to it; and that our Sovereign desires it; and I shall be sorry to hear any further delay, not only in the first Reading, but also in the full Conclusion of this ACT for TREATY.

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And since the Commission gives no power for Conclusions, and that all must again be laid before the Parliament: In full freedom I humbly propose, that for hastning our Good, we may refer the Nomination of Commissioners, the Time and the Place to our Sovereign the QUEEN.

F I N I S.